

March 16, 2023 Health Facilities Quarterly Webinar Q&A

Patients have the right to live in conditions that many may not think are acceptable, such as without electricity or running water. Hospitals are not paid to keep patients that do not meet medical criteria, and do not have a responsibility to provide financially for patients needs after discharge.

If a hospital provides resources to assist patients in attaining such basic needs and explores all possible safe discharge plans with the patient but the patient chooses to return to such a living environment or there is no other environment for them to go after discharge would KDHE consider that an IJ?

Will a facility know they have an IJ while the surveyor is still on site?

**Please reference § 482.43 Condition of participation: Discharge planning.**

[govinfo.gov/content/pkg/CFR-2017-title42-vol5/xml/CFR-2017-title42-vol5-part482.xml](https://www.govinfo.gov/content/pkg/CFR-2017-title42-vol5/xml/CFR-2017-title42-vol5-part482.xml)

The survey team once the potential IJ has been identified, will create the IJ template. The template once completed is reviewed with the State Survey Agency (SSA) and the CMS Regional Office (RO). The SSA and the RO must agree that an Immediate Jeopardy exists.

Once the IJ is provided to the facility in the form of the IJ template it must be dated and timed. The SA will request a written IJ plan of removal, which is the immediate action(s) the facility will take to address the noncompliance. If the IJ is determined to have been removed before the exit conference of the original survey, the facility will be informed. If the IJ is not removed, the facility will be informed as well as the process going forward.